

Message Text

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ACTION ITF-05

INFO OCT-01 EA-06 ISO-00 SR-02 ORM-01 IO-10 VO-03 SCA-01

AID-05 INSE-00 SSO-00 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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R 040935Z JUN 75

FM AMCONSUL HONG KONG

TO SECSTATE WASHDC 5284

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E.O. 11652: N/A

TAGS: SREF, HK

SUBJECT: VIETNAMESE REFUGEES IN HONG KONG:

NEW INSTRUCTIONS NEEDED

REF: STATE 124502

SUMMARY: THE PROBLEMS IN ARRANGING FOR RESETTLEMENT OF SELF-EVACUATED VIETNAMESE REFUGEES OBVIOUSLY VARY FROM COUNTRY TO COUNTRY. WE APPRECIATE THE TASK FORCE PROBLEM IN TAILORING A SET OF BLANKET INSTRUCTIONS WHICH WILL COVER THE SITUATION AT ALL POSTS INVOLVED. UNFORTUNATELY, THE LATEST GUIDELINES SET FORTH IN REFTEL ARE ONLY PARTIALLY APPLICABLE TO THE HONG KONG SITUATION. THIS IS BECAUSE THE GUIDELINES DERIVE FROM THE POLICY THAT INTERNATIONALIZATION WILL BE SPEEDED IF IT IS RELATIVELY MORE DIFFICULT FOR REFUGEES TO ENTER THE US FROM THIRD COUNTRIES. WHILE OTHER COUNTRIES IN EAST ASIA HAVE BEEN RELUCTANT TO ACKNOWLEDGE THE PRINCIPLE OF REFUGEE INTERNATIONALIZATION, HONG KONG IS NOT ONE OF THESE. IT HAS SUCCESSFULLY APPLIED PRESSURE TO INTERNATIONALIZE ITS PROBLEM AND IS WAITING FOR THE US TO TAKE THE REFUGEES IN RIGHTFULLY SHOULD ACCEPT. CONSEQUENTLY, WE MUST ONCE AGAIN SEEK TASK FORCE ASSISTANCE IN DEVELOPING A SET OF INSTRUCTIONS

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WHICH WILL PERMIT US TO WORK WITH THE HONG KONG GOVERNMENT

TO COMPLETE THE INTERNATIONALIZATION OF THE REFUGEE PROBLEM
HERE WHILE ACCEPTING THOSE REFUGEES WHICH WE HAVE INITIALLY
QUALIFIED FOR MOVEMENT TO THE US. END SUMMARY

1. WE HAVE BEEN GRATIFIED AT THE PROGRESS MADE HERE IN
THE MONTH SINCE WE FIRST SOUGHT INSTRUCTIONS FORM THE TASK
FORCE TO DEAL WITH THE 3,600 REFUGEES WHICH THE HONG KONG
GOVERNMENT, IN AN ACT OF SIMPLE HUMANITY, OFFLOADED
FROM CLARA MAERSK INTO HASTILY-PREPARED CAMPS IN THIS REFUGEE-
CROWDED COLONY. AS GRADUALLY MODIFIED, THE INSTRUCTIONS
PERMITTED THE CONSULATE GENERAL TO ASSUME A RESPONSIBLE
POSITION TOWARDS THOSE REFUGEES WHO HAVE LEGITIMATE CLAIMS
TO COME TO THE US AND AN APPROPRIATE AMERICAN ROLE IN
INTERNATIONALIZATION OF THE REFUGEE BURDEN UNDERTAKEN BY
HONG KONG.

2. AS INDICATED IN HONG KONG'S 5702, THE INTERNATIONALIZATION,
WHICH HAS RUN ITS COURSE, HAS BEEN A CONSIDERABLE SUCCESS.
AT LAST COUNT, BESIDES THE US, 1700 OF THE 3600 REFUGEES
HAVE ALREADY BEEN SPOKEN FOR BY TEN COUNTRIES, WITH THE FRENCH
(700) AND THE CANADIANS (500) IN THE LEAD. THE US GOT OFF TO
A BAD START ON MAY 19 BECAUSE OF CONFUSION OF INSTRUCTIONS
RECEIVED FROM INS TDY OFFICERS WHICH REQUIRED RESCREENING OF
REFUGEES. SUBSEQUENT SCREENING WAS CARRIED OUT FROM
MAY 21ST TO JUNE 1 ON THE BASIS OF CAREFUL REDEFINITION
OF CRITERIA AND WITH STEP-BY-STEP REPORTING TO THE
DEPARTMENT AND INS. BY THE END OF MAY, 3600 REFUGEES
HAD BEEN SCREENED THROUGH FAMILY INTERVIEWS AND 1330 HAD
BEEN FOUND ELIGIBLE PENDING VERIFICATION. THE FIRST 73
INS PAROLE DOCUMENTS (FORM I-94) WERE ALREADY IN ICEM'S
HANDS FOR TRANSPORTATION FROM HONGKONG TO GUAM OR US
PROCESSING CENTERS.

3. CONSEQUENTLY, WE WERE STARTLED TO RECEIVE THE GUIDELINES
CONTAINED REFTEL. THE GUIDELINES DO NOT SIMPLY SUMMARIZE AND
RESTATE THE POSITIONS PREVIOUSLY TAKEN BY THE TASK FORCE.
THEY RESTRICTIVELY MODIFY PREVIOUS CRITERIA AND ESTABLISH NEW
PROCEDURES. IN FACT, AS WE INTERPRET THEM, STRICT APPLICATION
OF CERTAIN FEATURES OF GUIDELINES CONTAINED REFTEL THROW OUR
PREVIOUS ACTIVITY INTO REVERSE WITH UNACCEPTABLE CONSEQUENCES.
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4. OUR PRINCIPAL CONCERN IS THE QUESTION OF THE ADMISSIBILITY
OF SIBLINGS OF US CITIZENS, PERMANENT RESIDENT ALIENS, AND/OR
USG-ASSISTED EVACUEES. IN APARENT DIRECT RESPONSE TO OUR
QUERY (HK 5685), WE WERE LED TO BELIEVE THAT SUCH PERSONS WERE
ELIGIBLE FOR PAROLE AS PRINCIPLAS ALONG WITH THOSE RELATIVES
ACCOMPANYING THEM. STATE 115837 AND 123635 APPEARED TO CONFIRM
THIS. THESE SIBLINGS AND FAMILIES NUMBER ABOUT 750 PERSONS

AMONG OUR SCREENED ELIGIBLES. BUT THE NEW GUIDELINES WOULD CUT THEM OFF BECAUSE THEY ARE NOT TRAVELING ALONG WITH THEIR ELIGIBLE RELATIVES. THEIR ELIMINATION FROM OUR ELIGIBLE LIST WOULD LEAVE ONLY SOME 580 REFUGEES QUALIFIED FOR US ENTRY PENDING VERIFICATION. THIS NUMBER WOULD BE ONLY SLIGHTLY MORE THAN THOSE TO BE TAKEN BY CANADA AND ACTUALLY LESS THAN THOSE TO BE TAKEN BY FRANCE. IT WOULD SUBJECT US TO PUBLIC RIDICULE AND ANGRY REACTIONS FROM THE HKG AND THE UK.

5. SUCCESSIVE AMENDED INSTRUCTIONS FROM THE TASK FORCE HAVE ALL PREVIOUSLY TENDED TO PREVENT FAMILY BREAKUPS. THIS NEW INSTRUCTION MOVES IN THE OPPOSITE DIRECTION. A VIETNAMESE REFUGEE ON GUAM WHO IS A BROTHER OF A US CITIZEN OR PERMANENT RESIDENT ALIEN CAN BE PAROLED. HOWEVER, A SIMILAR REFUGEE IN HONG KONG, WHO INADVERTENTLY ALLOWED HIMSELF TO BE PLUCKED OFF A FOUNDERING VESSEL BY THE CLARA MAERSK, COULD NOT BE PAROLED. BY THE SAME TOJPN, VIETNAMESE REFUGEES IN HONG KONG WOULD BE SEPARATED FROM BROTHERS AND SISTERS WHO HAD THE GOOD FORTUNE TO BE RESCUED BY THE AMERICANS. THERE IS NEITHER LOGIC NOR HUMANITY IN THIS. WE URGENTLY NEED A RETURN TO THE CRITERIA QUALIFYING A SIBLING AND SIBLING FAMILY WITHOUT THE REQUIREMENT FOR TRAVEL WITH THE ELIGIBLE RELATIVE. WITHOUT THIS, WE FACE THE CONSEQUENCES OF A COLLAPSE OF THE US ASSURANCE THAT WE WILL ACCEPT OUR FAIR SHARE OF RESPONSIBILITY FOR INTERNATIONALIZING THE HONG KONG REFUGEE PROBLEM.

6. WE ARE ALSO CONCERNED BECAUSE REFTTEL ESTABLISHES NEW INFORMATION REQUIREMENTS AND IMPRECISE NEW PROCEDURES DESIGNED TO HAVE THE POST TAKE ON FUNCTIONS OF BOTH STAGING CENTER AND PROCESSING CENTER. LITERAL RETROACTIVE APPLICATION OF THESE INSTRUCTIONS WOULD MEAN A THIRD, AND EVEN MORE EXHAUSTIVE, RESCREENING OF 3600 REFUGEES WITH LIMITED OFFICIAL USE

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THE RECENTLY DISBANDED INS TEAM RECALLED FOR THE PURPOSE. WE CANNOT BELIEVE THE TASK FORCE WOULD SERIOUSLY EXPECT THIS. INSTEAD, WE INTEND TO APPLY THESE NEW REQUIREMENTS SELECTIVELY TO INDIVIDUALS CERTIFIED FROM THE LISTS OF ELIGIBLES WE HAVE ALREADY SUBMITTED AS A RESULT OF INS PROCESSING.

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7. REFTEL ASKS FOR INFORMATION IDENTIFYING SPONSORS AND RELATIONSHIPS IN THE US WHICH IS ADDITIONAL TO THAT INFORMATION ALREADY SUBMITTED AS A RESULT OF INS SCREENING. IT ALSO ASKS POSTS TO FOLLOW VISAS FALCON PROCEDURE FOR SECURITY INFORMATION ON THOSE OVER 16 YEARS OF AGE. FURTHERMORE, IN THOSE CASES WHERE REQUIREMENTS FOR SECURITY CLEARANCES AND SPONSORS AND FINANCING ARE MET, THE POST WILL BE ASKED TO ISSUE A LETTER TO PAROLEES AND TO CARRIER FOR ENTRY INTO THE US WITHOUT PASSING THROUGH A RECEPTION CENTER. THE POST IS ASKED TO OBTAIN LOCALLY NORMAL MEDICAL CLEARANCES IN THESE CASES. WE ARE PREPARED TO HANDLE THESE REQUIREMENTS AS INDICATED BELOW.

8. THE INS OFFICE HAS ALREADY SUBMITTED TO WASHINGTON FOR APPROPRIATE DISTRIBUTION TO INTELLIGENCE AGENCIES INFORMATION FORMS (G-325A) ON THE SCREENED ELIGIBLES IN HONG KONG. THIS PROVIDES INFORMATION NEEDED FOR SECURITY CLEARANCE USING VISAS FALCON PROCEDURES AS WELL AS ALL OTHER GENERAL INFORMATION REQUIRED BY PARA. 6 REFTEL EXCEPT IDENTIFICATION OF SPONSORSHIP AND RELATIVE IN US. WE WOULD BE PREPARED TO GO BACK AND OBTAIN THE MISSING INFORMATION ON OUR 1330 SCREENED ELIGIBLES AND SUBMIT THIS IN ADDITION.

9. WE PRESUME THAT SECURITY CLEARANCE AS WELL AS SPECIFIC
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IDENTIFICATION OF SPONSOR AND FINANCING RESOURCES WILL BE OBTAINED BY INS AND TRANSMITTED TO THE POST AS PART OF FINAL CLEARANCE. IN THOSE CASES WHERE THE POST OBTAINS INFORMATION

DIRECTLY FROM SPONSORS, IT WILL BE SUBMITTED TO WASHINGTON.

10. MEDICAL CLEARANCES CAN BE OBTAINED LOCALLY, BUT WITH SOME DIFFICULTY AND, BECAUSE OF THE RETENTION OF THE REFUGEES IN CAMPS, AT SOME EXPENSE. IF THE INDIVIDUAL IS UNABLE TO PAY, WE PRESUME THE USG WILL ASSUME COST.

11. UPON RECEIPT OF FINAL AUTHORIZING MESSAGE FROM THE DEPARTMENT, WE WILL ISSUE LETTER TO CARRIER, BUT THIS PROCEDURE SEEMS TO CUT OUT ICEM WHICH IS ALL GEARED UP TO HANDLE THIS. WHAT IS ICEM'S ROLE UNDER THESE NEW PROCEDURES? WHO IS TO PAY FOR TRANSPORTATION?

12. THE CARRYING OUT OF THESE ADDITIONAL PROCEDURES WILL ADD GREATLY TO THE ADMINISTRATIVE OVERBURDEN FOR THE POST OCCASIONED BY REFUGEE PROCESSING. WE WILL DO THE BEST WE CAN AND CALL FOR HELP AS WE NEED IT. MEANWHILE WE HOPE THE DEPARTMENT WILL SHIFT AS LITTLE AS POSSIBLE OF THE ACTUAL PROCESSING IN OUR DIRECTION AND MOVE US-BOUND REFUGEES OUT OF HONG KONG TENTS TO US RECEPTION CENTERS AS FAST AS SPACE BECOMES AVAILABLE. THE TYPHOONS THAT THREATEN GUAM ALSO THREATEN HONG KONG, AND REFUGEES HERE ARE ALREADY SUFFERING FROM UNUSUALLY HEAVY RAINY SEASON.

13. THE SHIFT IN CRITERIA AND PROCEDURES CONTAINED REFTTEL HAVE BROUGHT OUR OPERATION TO A HALT PENDING CLARIFICATION WE HAVE SOUGHT IN THIS MESSAGE. WE URGENTLY NEED BOTH THE BROADER INTERPRETATION OF SIBLING ELIGIBILITY AND THE APPROVAL TO APPLY THE NEW PROCEDURE SELECTIVELY FORWARD SO THAT WE CAN RESUME OUR OPERATION HERE. WE ARE COMMITTED TO DO OUR FAIR SHARE IN SUPPORT OF HONG KONG'S REFUGEE INTERNATIONALIZATION BY TAKING THOSE REFUGEES WHO ARE RIGHTFULLY OUR RESPONSIBILITY.
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